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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,282	01/16/2001	Diane Banks	2000-0301B	1137

7590 08/06/2004

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EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/759,282

Applicant(s)

BANKS ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-9-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to a communication made on January 16, 2001.

The Power of Attorney was received on April 9, 2004.

The Information Disclosure State was received on April 9, 2004.

The Drawings and Declaration was received on August 30, 2001.

Claims 1-43 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-32, 35 and 39-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Burgan (6459892).**

Regarding claims 1, 40, and 41, Burgan discloses a computer-based method for a mobile information device to participate in a chat session (Column 2, lines 14 – 15), comprising the activities of: obtaining information regarding at least one state variable (Column 8, lines 5 – 9); applying a predetermined decision logic to the state variable information (Column 5, lines 22 – 29); identifying a chat trigger from the application of the predetermined decision logic to the state variable information (Column 5, lines 27 – 29; Column 6, lines 14 – 24); identifying a chat group associated with the chat trigger;

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and seeking connectivity between an information device and the chat group associated with the chat trigger (Column 7, lines 60 – 64).

Regarding claims 2, 3, 4, and 5, Burgan discloses the act of measuring, detecting, receiving, recognizing a change in the state variable information (Column 5, lines 15 – 29; Column 8, lines 5 – 9).

Regarding claims 6 and 7, Burgan discloses determining and programming the decision logic (Column 8, lines 5 – 9; Column 7, lines 60 – 64).

Regarding claims 8, 9, and 10, Burgan discloses receiving and detecting the chat trigger, and associating the chat trigger with the chat group (Column 6, lines 14 – 24).

Regarding claim 11, Burgan discloses identifying the chat group (Column 6, lines 21 – 24).

Regarding claim 12, Burgan discloses offering an identification of the chat group (Column 6, lines 21 – 24).

Regarding claim 13, Burgan discloses offering an identification of available chat groups (Column 7, lines 60 – 64).

Regarding claim 14, Burgan discloses identifying available chat groups (Column 7, lines 60 – 64).

Regarding claim 15, Burgan discloses identifying a subject matter of available chat groups (Column 7, lines 60 – 64).

Regarding claim 16, Burgan discloses filtering available chat groups based on one or more predetermined criteria (Column 7, lines 60 – 64).

Regarding claim 17, Burgan discloses selecting available chat groups based on one or more predetermined criteria (Column 7, lines 60 – 64).

Regarding claim 18, Burgan discloses sorting available chat groups based on one or more predetermined criteria (Column 7, lines 60 – 64).

Regarding claim 19, Burgan discloses grouping available chat groups based on one or more predetermined criteria (Column 7, lines 60 – 64).

Regarding claim 20, Burgan discloses rendering available chat groups based on one or more predetermined criteria (Column 7, lines 60 – 64).

Regarding claim 21, Burgan discloses comprising receiving a chat group identification (Column 7, lines 60 – 64).

Regarding claim 22, Burgan discloses offering the mobile information device an opportunity to initiate a chat group (Column 6, lines 4 – 10).

Regarding claim 23, Burgan discloses recommending connectivity between the mobile information device and the chat group (Column 7, lines 63 – 64).

Regarding claim 24, Burgan discloses requesting connectivity between the mobile information device and the chat group (Column 8, lines 4 – 17).

Regarding claim 25, Burgan discloses obtaining connectivity between the mobile information device and the chat group (Column 8, lines 14 – 17).

Regarding claim 26, Burgan discloses providing connectivity between the mobile information device and the chat group (Column 8, lines 14 – 17).

Regarding claim 27, Burgan discloses identifying an initial chat message to post to the chat group (Column 10, lines 35 – 48).

Regarding claim 28, Burgan discloses exchanging a chat message with the mobile information device (Column 9, line 66 – Column 10, line 2).

Regarding claim 29, Burgan discloses exchanging a chat message between the mobile information device and a chat group associated with the chat trigger (Column 10, lines 10 – 20).

Regarding claim 30, Burgan discloses providing a chat message to the mobile information device (Column 10, line 49 – 64).

Regarding claim 31, Burgan discloses providing a chat message from the mobile information device (Column 10, lines 10 – 20).

Regarding claim 32, Burgan discloses providing a modality translation of a chat message to the mobile information device (Column 10, lines 2 – 9).

Regarding claim 35, Burgan discloses providing a message from the mobile information device to the chat group (Column 10, lines 10 – 20).

Regarding claim 39, Burgan discloses terminating connectivity upon a change in the state variable information (Column 13, lines 59 – 64).

Regarding claim 42, Burgan discloses a method for an information device to participate in a chat session, comprising the activities of: detecting a chat trigger (Column 5, lines 27 – 29; Column 6, lines 14 – 24); and offering to a mobile information device an identification of chat groups associated with the chat trigger seeking connectivity between the mobile information device and an identified chat group (Column 7, lines 60 – 64).

Regarding claim 43, Burgan discloses a method for an information device to participate in a chat session, comprising the activities of: detecting a chat trigger (Column 5, lines 27 – 29; Column 6, lines 14 – 24), and identifying at least one information device associated with the chat trigger; and seeking connectivity between at least one information device and a chat session (Column 7, lines 60 – 64).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 33-34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgan in view of Bogard (6757365).**

Regarding claims 33-34 and 36-38, Burgan does not explicitly indicate translating a chat message from text to speech. Bogard teaches in a chat application usable on wireless devices (Column 6, lines 39 – 44), the use of a voice portal to allow text to speech conversation (Column 8, lines 49 – 50; Column 9, lines 38 – 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow chat features to be able to occur on multiple platforms, more notably platforms which cannot receive text messages (Column 8, lines 45 – 51).

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



U. S. Patent No. 6301609 issued to Aravamudan, because it discloses wireless messaging and chatting, with rules.

U. S. Patent No. 6553236 issued to Dunko, because it discloses geographical location and messages.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
July 26, 2004

  
**PATRICE WINDER  
PRIMARY EXAMINER**